

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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In re : Chapter 9  
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CITY OF DETROIT, MICHIGAN, : Case No. 13- 53846  
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Debtor. : Hon. Steven W. Rhodes  
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**CITY OF DETROIT'S *EX PARTE* MOTION TO STRIKE COMMITTEE'S  
UNAUTHORIZED SUPPLEMENTAL BRIEF [DOCKET NO. 2724]**

On February 19, 2014, this Court held a hearing (the "Hearing") on the City of Detroit's motion (Docket No. 2626) (the "Motion") for entry of an order vacating the appointment of the Official Committee of Unsecured Creditors (the "Committee"). At the conclusion of argument at the Hearing, the Court took the Motion under advisement. *See* Minute Entry, Feb. 19, 2014. The Court did not request or authorize additional briefing on the City's Motion, nor do the local rules permit briefing beyond an opening brief, response and reply. *See* L.B.R. 9014-1(e); *see also* *United States v. Reynolds*, No. 12-20843, 2013 U.S. Dist. LEXIS 43127, at \*7 (E.D. Mich. Mar. 27, 2013) (interpreting district court rule parallel to LBR 9014-1 and stating that "[p]arties may *not* file additional or 'supplemental' briefs without leave of Court to do so") (emphasis in original).

Nonetheless, the Committee – without seeking leave of the Court – filed an 8-page supplemental brief, further elaborating on arguments it already had the opportunity to make before this Court in its responsive briefing and at the Hearing. The Committee’s unauthorized supplemental brief is improper under the applicable rule and should be stricken. *Cf. Fox v. Riverdeep, Inc.*, No. 07-13622, 2009 U.S. Dist. LEXIS 44328, at \*1-2 n.1 (E.D. Mich. May 26, 2009) (striking sur-reply that was filed without leave of court).

WHEREFORE, the City respectfully requests that the Court enter the order attached hereto as Exhibit 1, striking the Committee’s unauthorized supplemental brief from the record.

**[signature page follows]**

Dated: February 24, 2014

Respectfully submitted,

David G. Heiman (OH 0038271)  
Heather Lennox (OH 0059649)  
JONES DAY  
North Point  
901 Lakeside Avenue  
Cleveland, Ohio 44114  
Telephone: (216) 586-3939  
Facsimile: (216) 579-0212  
[dgheiman@jonesday.com](mailto:dgheiman@jonesday.com)  
[hlennox@jonesday.com](mailto:hlennox@jonesday.com)

Bruce Bennett (CA 105430)  
JONES DAY  
555 South Flower Street  
Fiftieth Floor  
Los Angeles, California 90071  
Telephone: (213) 243-2382  
Facsimile: (213) 243-2539  
[bbennett@jonesday.com](mailto:bbennett@jonesday.com)

/s/ Deborah Kovsky-Apap  
Robert S. Hertzberg (P30261)  
Deborah Kovsky-Apap (P68258)  
PEPPER HAMILTON LLP  
4000 Town Center, Suite 1800  
Southfield, MI 48075  
Telephone: (248) 359-7300  
Facsimile: (248) 359-7700  
[hertzbergr@pepperlaw.com](mailto:hertzbergr@pepperlaw.com)  
[kovskyd@pepperlaw.com](mailto:kovskyd@pepperlaw.com)

ATTORNEYS FOR THE CITY OF  
DETROIT